


U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF Kori Taylor	COURT CASE NUMBER 07C6934
DEFENDANT Patrick Firman, et al.	TYPE OF PROCESS S/C
SERVE  NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN David Kirk, Classification Supervisor	
AT ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) L.C.S. Sheriff Adult Corr. Div. 20 S. County Street, Waukegan, IL 60079	

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Hector Kori Taylor, L-115254
Lake-LCJ
P.O. Box 38
Waukegan, IL 60086

Number of process to be served with this Form - 285

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

FILED**FEB 19 2008 YM****MICHAEL W. DOBBINS**
CLERK, U.S. DISTRICT COURT

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

01-15-08**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 2 of 2	District of Origin No. 24	District to Serve No. 24	Signature of Authorized USMS Deputy or Clerk	TD	Date 01-15-08
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

NOT SERVEDDate of Service
2/8/08 Time
1:55 **pm**

Signature of U.S. Marshal or Deputy



Service Fee 96.00	Total Mileage Charges (including endeavors) 40.74	Forwarding Fee 0	Total Charges 136.74	Advance Deposits 0	Amount owed to U.S. Marshal or 136.74	Amount of Refund 0
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REMARKS:

1 DUSM x 2 hours @ 84 miles round trip. JP**Officer @ Front window states that individual no longer works at this location. JP**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

(DISTRICT)

Waiver of Service of Summons

TO: Kori Taylor

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, **David Kirk**

(DEFENDANT NAME)

acknowledge receipt of your request that I waive

service of summons in the action of **Kori Taylor vs. Patrick Firman, et al.**

(CAPTION OF ACTION)

which is case number **07C6934**

(DOCKET NUMBER)

in the United States District Court for the

Northern District of Illinois

(DISTRICT)

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after **January 15, 2008**

(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

DATE

SIGNATURE

Printed/Typed Name: _____

As _____

TITLE

of _____

CORPORATE DEFENDANT

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown to its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO440 (REV. 10/93) Summons In a Civil Action

United States District Court
Northern District of Illinois

SUMMONS IN A CIVIL ACTION

Kori Taylor

Plaintiff

vs.

Patrick Firman et al

Defendant

CASE NUMBER: 07cv6934

JUDGE: Norgle

TO:

David Kirk

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon plaintiff's attorney:

Name: Hector Kori Taylor, L-115254

Address: Lake - LCJ, P.O. Box 38

City: Waukegan, IL 60086

Telephone:

an answer to the complaint which is herewith served upon you, within **[20]** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

By: **LAKISHA C. WILLIAMS**
Deputy Clerk

Dated: 01/14/08

2008 JAN 15 PM 6 01

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me: ^	DATE	
NAME OF SERVER (Print)	TITLE	
<i>Check one box below to indicate appropriate method of service:</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____ </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____ </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: _____ _____ </div> <div> <input type="checkbox"/> Other (specify): _____ _____ _____ </div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Date</div> <div style="text-align: center;">Signature of Server</div> </div> <div style="text-align: center; margin-top: 20px;"> _____ Address of Server </div>		

^As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Docket Form (01/2005)

Ctt

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	CHARLES R. NORCLE	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6934	DATE	1/9/2008
CASE TITLE	Kori Taylor (#L-115254) vs. Patrick Firman, et al.		

DOCKET ENTRY TEXT:

The plaintiff's motion for leave to proceed *in forma pauperis* [#5] is granted. The court orders the trust fund officer at the plaintiff's place of incarceration to deduct \$8.92 from the plaintiff's account for payment to the clerk of court as an initial partial filing fee, and to continue making monthly deductions in accordance with this order. The clerk shall send a copy of this order to the trust fund officer at the Lake County Jail. On the court's own motion, the Lake County Jail is dismissed as a defendant pursuant to 28 U.S.C. § 1915(e)(2)(B). The clerk is directed to issue summonses for service on defendants Firman and Kirk by the U.S. Marshal. The clerk is further directed to send the plaintiff a Magistrate Judge Consent Form and Instructions for Submitting Documents along with a copy of this order.

■ [For further details see text below.]



Docketing to mail notices.

STATEMENT

The plaintiff, a pretrial detainee at the Lake County Jail, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that the defendants, jail officials, have violated the plaintiff's constitutional rights by placing (or keeping) him in disciplinary segregation without due process.

The plaintiff's motion for leave to proceed *in forma pauperis* is granted. Pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff is assessed an initial partial filing fee of \$8.92. The trust fund officer at the plaintiff's place of incarceration is authorized and ordered to collect the partial filing fee from the plaintiff's trust fund account and pay it directly to the clerk of court. After payment of the initial partial filing fee, the plaintiff's trust fund officer is directed to collect monthly payments from the plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments shall be forwarded to the clerk of court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify the plaintiff's name and this case number. This payment obligation will follow the plaintiff wherever he may be transferred.

(CONTINUED)

mj/m

A TRUE COPY -

MICHAEL W. DOBBINS

BY 

DEPUTY CLERK

U.S. DISTRICT COURT, NORTHERN

DISTRICT OF ILLINOIS

DATE: 1-14-08

STATEMENT (continued)

Under 28 U.S.C. § 1915A, the court is required to conduct a prompt threshold review of the complaint. Here, accepting the plaintiff's allegations as true, the court finds that the plaintiff has articulated a colorable federal cause of action. Although correctional officials have "considerable leeway" to punish a pretrial detainee for misconduct committed while in pretrial custody, that punishment can be imposed only after affording the detainee some sort of due process. *Rapier v. Harris*, 172 F.3d 999, 1004-1005 (7th Cir. 1999), *relying on Bell v. Wolfish*, 441 U.S. 520, 535 (1979). While a more fully developed record may establish either that the plaintiff's conditions are non-punitive or that he has been afforded due process, the defendants must respond to the complaint.

However, the complaint is dismissed on initial review as to the Lake County Jail. The jail is not itself a suable entity. *See, e.g., Powell v. Cook County Jail*, 814 F.Supp. 757, 758 (N.D. Ill. 1993); *Ferguson v. Cook County Jail*, No. 04 C 7087, 2004 WL 2967444, at *2 (N.D. Ill. Nov. 19, 2004) (Shadur, J.).

The clerk shall issue summonses forthwith and send the plaintiff a Magistrate Judge Consent Form and Instructions for Submitting Documents along with a copy of this order.

The United States Marshals Service is appointed to serve defendants Firman and Kirk. Any service forms necessary for the plaintiff to complete will be sent by the Marshal as appropriate to serve the defendants with process. The U.S. Marshal is directed to make all reasonable efforts to serve the defendants. With respect to former correctional employees who no longer can be found at the work address provided by the plaintiff, the Lake County Department of Corrections shall furnish the Marshal with the defendant's last-known address. The information shall be used only for purposes of effectuating service [or for proof of service, should a dispute arise] and any documentation of the address shall be retained only by the Marshal. Address information shall not be maintained in the court file, nor disclosed by the Marshal. The Marshal is authorized to mail a request for waiver of service to the defendants in the manner prescribed by Fed. R. Civ. P. 4(d)(2) before attempting personal service.

The plaintiff is instructed to file all future papers concerning this action with the clerk of court in care of the Prisoner Correspondent. **The plaintiff is once again reminded that he must provide the original plus a judge's copy of every document filed.** In addition, the plaintiff must send an exact copy of any court filing to the defendants [or to defense counsel, once an attorney has entered an appearance on their behalf]. Every document filed must include a certificate of service stating to whom exact copies were mailed and the date of mailing. Any paper that is sent directly to the judge or that otherwise fails to comply with these instructions may be disregarded by the court or returned to the plaintiff.

FILED

JANUARY 9, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

RECEIVED

DEC 10 2007 *aw*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DEC 10 2007

Kori Taylor

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

07cv6934
JUDGE NORGLÉ
MAG. JUDGE SCHENKIER

vs.

Case No: _____
(To be supplied by the Clerk of this Court)

Patrick Fireman

David Kirk

Lake County Jail

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

- ☒ **COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983**
U.S. Code (state, county, or municipal defendants)
- ☐ **COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE**
28 SECTION 1331 U.S. Code (federal defendants)
- ☐ **OTHER (cite statute, if known)**

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

2008 JAN 15 PM 1:01

I. Plaintiff(s):

- A. Name: Kori Taylor
- B. Date of Birth: December 22, 1984 (12.22.84)
- C. List all aliases: _____
- D. Prisoner identification number: L115254
- E. Place of present confinement: Lake County Jail
- F. Address: P.O. Box 38, Waukegan, Illinois, 60079

(If there is more than one plaintiff, then each plaintiff must list his or her name, date of birth, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Patrick Eisman
 Title: Deputy of Corrections
 Place of Employment: Lake County Sheriff Correctional Division
- B. Defendant: David Kirk
 Title: Classification Supervisor
 Place of Employment: Lake County Sheriff Adult Correctional Division
- C. Defendant: Lake County Sheriff Adult Correctional Division
 Title: Robert H. Babcox Center
 Place of Employment: Lake County Jail

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Kari Tylan Taylor (Vs.)
Officer Waterloo (Case # 07C066449)
- B. Approximate date of filing lawsuit: November 17th, 2007 (11-17-07)
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: (N/A)
- D. List all defendants: Officer Waterloo (6226), Officer Johnson
(1994), Lake County Jail, Sergeant Navarro,
Lieutenant D. Watten, and Detective Witherspoon.
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): United States District Northern District of Illinois
Eastern Division, (Cook County).
- F. Name of judge to whom case was assigned: (Judge Norgle /
(Magistrate) Judge Schenbier)
- G. Basic claim made: Failure to provide safe and humane
treatment to inmate, and Cruel and Unusual
Punishment.
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): These claims are still pending.
- I. Approximate date of disposition: November 26, 2007 (11-26-07)

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

The county of Lake along with the following individuals and entity, in their official and individual capacities failed to provide plaintiff Kori Taylor with a hearing for alleged violations of facility rules, Patrick Firman (Deputy of Corrections) and David Kirk (Classification Supervisor) This is a violation of my fourth (4th) Amendment Right, which is Due Process. On or about February 15, 2006 plaintiff was scheduled to be removed from the Punitive Segregation Unit for a previous violation of Lake County Jail facility rules. At approximately 2:30 on or about (2/15/06) plaintiff was informed that he would not be removed from Punitive Segregation, even though his sentence was completed, plaintiff was detained in Punitive Segregation until or about April 30, 2006 (4-30-06) This violates my 8th amendment right, (Exce.) and Unusual Punishment, and also violates my Inmate Rights, which are:

The Right to safe and humane treatment given with respect impartiality and fairness, and also violates my right to be informed of the rules and procedures that directly effect me within the facility.

(End of Complaint)

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want to be awarded with \$1,000.00 (dollars) for each day spent in the Segregation Unit due to violations of my rights. I want to be awarded with \$1,000,000 (dollars) for Cease and Unusual Punishment, Pain and Suffering, Mental Anguish, Depression and Stress. Also \$1,000,000 (dollars) in Punitive Damages, Lawyer and court Fees.

VI. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 30th day of November, 2007

K-Taylor

(Signature of plaintiff or plaintiffs)

Kari Taylor

(Print name)

W115254

(I.D. Number)

P.O. Box 38

Waukegan, Illinois 60079

(Address)